

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROYAL MILE COMPANY, INC.,)	
PAMELA LANG and)	
COLE’S WEXFORD HOTEL, INC.,)	Case No. 2:10-cv-01609-JFC
on their own behalf and on behalf of all)	
others similarly situated,)	Judge Joy Flowers Conti
)	
Plaintiffs,)	<i>Related to Case 2:09-cv-480-JFC</i>
)	
v.)	
)	
UPMC and)	
HIGHMARK, INC.,)	
)	
Defendants.)	

**PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,
PRELIMINARY CERTIFICATION OF THE CLASS,
AND APPROVAL OF NOTICE TO THE CLASS**

Plaintiff class representatives, Royal Mile Company, Inc. and Pamela Lang and Cole’s Wexford Hotel, Inc. (collectively, “Plaintiffs”), through their undersigned respective counsel (“Settlement Class Counsel”), following consultation and agreement with counsel for Defendant, Highmark, Inc. (“Highmark”), having executed the Settlement Agreement dated August 16, 2012 and Amendment No. 1 to Settlement Agreement (collectively the “Agreement”), attached hereto as Exhibit A, and having filed herewith the Memorandum of Law in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement, Preliminary Certification of the Class, and Approval of Notice to the Class submitted herewith, respectfully move this Court for entry of an Order:

1. Granting preliminary approval of the proposed Settlement on the terms set forth in the Agreement (*See* Exhibit A);

2. Approving the proposed substance and forms of Notice and Summary Notice (*See* Exhibits B-1 and B-2);
3. Approving the proposed Escrow Agreement (*See* Exhibit C);
4. Preliminarily certifying the Class pursuant to Federal Rule of Civil Procedure 23(b)(3) for settlement purposes;
5. Preliminarily certifying Plaintiffs as representative of the Class for purposes of settlement, and appointing Settlement Class Counsel as lead counsel for the Class for purposes of the Settlement; and
6. Scheduling a final settlement hearing.

Defendant Highmark does not oppose this motion. For the reasons set forth in Plaintiffs' Memorandum and in the Agreement, Plaintiffs respectfully request that the Court find that the proposed Settlement warrants preliminary approval. A proposed Order granting the relief requested herein is attached hereto.

Dated: October 4, 2012

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